

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

DELL, INC., ET AL.,

Defendants.

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Civil Action No. 2:10-CV-446

JOINT MOTION TO DISMISS WITH PREJUDICE

The Plaintiff TQP Development, LLC and Defendant Discover Financial Services, pursuant to Fed. R. Civ. P. 41(a)(2), have agreed to settle, adjust, and compromise all claims against each other in the above-captioned action. The parties, therefore, move jointly for an order dismissing with prejudice Plaintiff's claims against Defendant in this action, subject to the terms of the settlement agreement entered into by the parties.

Plaintiff and Defendant stipulate that each party is to bear its own costs, expenses and attorneys' fees.

A proposed Order accompanies this motion.

Dated: February 25, 2011

Respectfully submitted,

/s/ Andrew W. Spangler

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document on February 25, 2011 via the Court's CM-ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by e-mail and/or first class mail this same date.

/s/ Andrew W. Spangler
Andrew W. Spangler